

1 HONORABLE JAMES L. ROBART
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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 DONALD M. SKAGGS and
12 CHARLOTTE M. SKAGGS, husband
13 and wife,

14 Plaintiffs,

15 v.

16 BORGWARNER MORSE TECH INC.,
17 et al.,

18 Defendant.

19 Case No. 2:14-cv-01506-JLR

20 **OWENS-ILLINOIS, INC.'S NOTICE OF**
SUPPLEMENTAL AUTHORITY
FOR ITS OPPOSITION TO PLAINTIFFS'
MOTION TO REMAND (DKT. # 42)

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Owens-Illinois, Inc., pursuant to LCR 7(n), hereby respectfully submits this Notice of
Supplemental Authority for its Opposition to Plaintiffs' Motion to Remand (Dkt. #42), its
Supplemental Brief in Opposition to Plaintiffs' Motion to Remand (Dkt. #55), and its Response to
Plaintiffs' Supplemental Memorandum in Support of Remand (Dkt. #59), notifying this Court of
Cuomo v. Crane Co., --- F.3d ----, No. 13-cv-4510, 2014 WL 5859099 (2d Cir. Nov. 13, 2014)
(reversing remand order in asbestos litigation matter removed pursuant to 28 U.S.C. § 1442(a)(1);
holding that merits of defendant's asserted government contractor defense should be tried in
federal court) (attached as **Ex. A**). Owens-Illinois, Inc. respectfully requests that this Court
consider this supplemental authority in ruling on the issues raised by the parties' briefing on
Plaintiffs' Motion to Remand (Dkt. #7).

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2 DATED: November 24, 2014
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SCHIFF HARDIN LLP

By: /s/ Stephen M. Copenhaver
Stephen M. Copenhaver
scopenhaver@schiffhardin.com
Attorneys for Defendant
OWENS-ILLINOIS, INC.

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Washington that I served the attached OWENS-ILLINOIS, INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY FOR ITS OPPOSITION TO PLAINTIFFS' MOTION TO REMAND (DKT. #42) on all counsel of record via the Court's ECF system.

Dated: November 24, 2014

SCHIFF HARDIN LLP

By: /s/ Stephen M. Copenhaver

Stephen M. Copenhaver
Attorneys for Defendant
OWENS-ILLINOIS, INC.

21912-0058